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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,601	12/03/2003	Gudmundur Fertram Sigurjonsson	SIGU3012/JEK/JJC	4601
23364 7590 04/18/2007 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER LEWIS, KIANDRA CHARLE	
			ART UNIT 3772	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/725,601	Applicant(s) SIGURJONSSON ET AL.	
	Examiner Kiandra C. Lewis	Art Unit 3772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-10, 12, 14-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5 and 7-10 is/are allowed.
- 6) ☒ Claim(s) 12, 15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 18 in the previous action is withdrawn in view of the newly discovered reference(s) to Reed et al. US 5,653,699. Rejections based on the newly cited reference(s) follow.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3,5,7-10,12,14-17, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12,15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cartmell et al. 5,160,328; Rawlings et al. 4,657,006; Lindqvist et al. 6,051,747; Kydonieus et al. 5,591,820 and Reed et al. US 5,653,699.

As to claims 12 and 15 Cartmell et al. disclose a wound dressing having proximal and distal sides (Fig. 2), comprising an absorbent core having proximal and distal

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surfaces including central and border portions; a discrete skin adherent facing layer (16 or 17) the facing layer having a proximal surface and a distal surface directly secured to the absorbent core (14), said facing layer defining a region having a plurality of through extending apertures (col. 5, lines 39-41) arranged in a pattern; and a discrete pressure sensitive adhesive (20) layer applied directly to the facing layer on at least a segment of the proximal surface therefor only surrounding the region of the apertures (col. 4, lines 3-6, lines 11-21) wherein the facing layer and the adhesive layer are contiguous and combine to define the entirety of the proximal sides of the dressing (col. 4, lines 19-23). Cartmell et al. do not expressly disclose that the facing layer is a cross-linked silicone gel. However Rawlings et al. disclose that the a wound dressing that contains in intermediate that is perforated. Rawlings et al. teach that intermediate layer is preferably a non-woven fabric that is formed from hydrophobic polymers. Cartmell et al. and Rawlings et al. are analogous because they are from the same field of endeavor of providing a patient with an absorbent dressing for a wound. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use a hydrophobic material as the facing layer in the invention of Cartmell et al. as taught by Rawlings et al. for the purpose of providing the additional support to the wound dressing. Rawlings et al. has not specifically stated "cross linked silicone gel", but the applicant has disclosed that the material is preferably hydrophobic. Lindqvist et al. go on to teach that the use of a hydrophobic cross linked silicone gel in wound dressing (Fig. 1A, col. 1, lines 63-65). Lindqvist further teaches the need for a hydrophobic layer such as a cross linked silicone gel in a dressing for the purpose of

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preventing spontaneous reflux of absorbed fluid to the skin or the wound. The reference also teaches that it is possible to use other hydrophobic gels in wound dressings such as hydrophobic polyurethane gels. Therefore it would have been obvious to use a cross linked silicone gel as the facing layer because it is known in the art to use a hydrophobic layer in the a wound dressing. As to the adhesive layer having greater skin adherence properties than the elastomeric gel of the facing layer this limitations in inherent. It is known in the art that is well known that elastomeric gels (e.g. silicone gels) have low tack properties. Furthermore Kydoneius et al. teaches that commonly used pressure sensitive adhesives are known to have strong adherence to the skin ('820, col. 1, lines 22-45) and that hydrocolloid (gel forming) adhesives tend to have lower tack properties than other adhesives (col. 2, lines 8-14). Apertured adhesives are common to dressing for exudates management. Reed et al. teaches that the pressure sensitive adhesive layer of wound dressing may be continuous or discontinuous ('699, abstract). It would have been obvious to one having ordinary skill in the art at the time of the invention to make the pressure sensitive adhesive apertured for the purpose of regulating the exudates absorbed ('699 col. 13, lines 45-55).

As to claims 19 and 20, the proximal and distal surfaces of the facing layer are generally planar (patent '328, Fig. 2).

Allowable Subject Matter

5. Claims 14, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiandra C. Lewis whose telephone number is 571-272-7517. The examiner can normally be reached on Mon-Thurs 9AM-6PM and alternating Fridays 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCL


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4-16-07